



**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS**  
**RICHARD K. SULLIVAN, JR.**  
**SECRETARY**

**ENV 15 POL 01**  
**DAM, LEVEE AND COASTAL INFRASTRUCTURE**  
**REPAIR OR REMOVAL PROGRAM**

**REQUEST FOR QUOTES (RFQ)**  
**INCLUDING APPLICATION FORMS**

**POSTING DATE: 2 APRIL 2014**  
**CLOSING DATE: 17 JUNE 2014**

**OVERVIEW AND GOALS:** The primary mission of the Executive Office of Energy and Environmental Affairs (EEA) is to enhance, preserve and protect the natural resources and scenic, historic and aesthetic qualities of the Commonwealth of Massachusetts. EEA seeks to enter into contracts with qualified organizations to implement projects for the repair and removal of dams, levees, seawalls, and other forms of inland and coastal flood control.

Funding for awards will be from a combination of sources, including but not limited to M.G.L. c. 29, §2III as well as Commonwealth capital account funds. Funds awarded under M.G.L. c. 29, §2III are subject to 301 CMR 15.00, entitled Provisions for Administration of the Dam and Sea Wall Repair or Removal Fund. Those regulations are included in this RFQ as Appendix G and are posted on EEA's website (*See <http://www.mass.gov/eea/waste-mgmt-recycling/water-resources/preserving-water-resources/water-laws-and-policies/water-laws/draft-regs-re-dam-and-sea-wall-repair-or-removal-fund.html>*).

Please note that EEA does not guarantee that any contract will result from this RFQ or that any particular funding level will be awarded. For the purposes of this document, the terms "RFQ" and "Bid" are synonymous. For the purposes of this document, the term "quote" and "response" are synonymous.

**ITEM TO BE BID:** The repair and/or removal of dams, levees, seawalls, and other forms of inland and coastal flood control.

**CONTACT:** John Clarkeson  
Fund Director  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street – Suite 900  
Boston, MA 02114

**RESPONSES ARE DUE:** 17 June 2014, 3:00 PM

**SINGLE/MULTIPLE CONTRACTS:** EEA reserves the right to issue multiple contracts under this RFQ. Eligible parties may file multiple responses.

**SUBMISSION OF QUESTIONS:** The deadline for submitting written questions is 1 May 2014 at 4:00 PM. Questions should be submitted by email to John Clarkeson (John.Clarkeson@state.ma.us)

At its discretion, EEA may publish answers to submitted questions via CommBUYS (<http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/conduct-a-procurement/commbuys/>) . If posted, EEA intends to post Questions and Answers on or before 14 May 2014.

**SINGLE OR MULTIPLE DEPARTMENTS MAY CONTRACT UNDER THIS RFQ:** The contracts awarded under this RFQ will be issued solely by EEA.

**ANTICIPATED BUDGET:** The maximum award for any one application shall be \$1,000,000 for dams and levees (Category 1 and Category 3 applications), and \$4,000,000 for seawalls and other coastal infrastructure (Category 2 applications). EEA does not guarantee that any award will result from this RFQ or that any particular funding level will be achieved.

**PREVAILING WAGE APPLICABLE:** For publicly owned structures, yes.

**IDENTIFICATION OF CONTRACTS WITH COMMONWEALTH AGENCIES OR DIVISIONS:** Yes

**IDENTIFICATION OF FINANCIALLY INTERESTED PARTIES:** Yes

**RESUMES OF KEY PERSONNEL:** Must be submitted with Response.

**RFQ DISTRIBUTION:** This RFQ has been distributed electronically using the CommBUYS system. It is the responsibility of all Bidders to check CommBUYS for any addenda or modifications to an RFQ to which they intend to respond. The Commonwealth of Massachusetts and its subdivisions accept no liability and will provide no accommodations to applicants who fail to check for amended RFQs and submit inadequate or incorrect responses. Potential applicants are advised to check the “last change” field on the summary page of any RFQ for which they submit a response to ensure they have the most recent RFQ files.

Bidders may not alter RFQ language or any RFQ component files. Bidders must respond in accordance to the RFQ directions and complete only those sections that prompt a bidder for a response. Modifications to the body of this RFQ, specifications, terms and conditions, or which change the intent of this RFQ are prohibited. Any unauthorized alterations will disqualify response.

**PROJECT/APPLICANT CATEGORIES:** Response applications will be accepted for three categories of projects. Responding Applicants are to review each category and submit a project application(s) for the most appropriate category. The categories for which applications for the repair or removal of infrastructure will be accepted are:

**Category 1** - Dams and similar regulated and unregulated impoundments (see page 11 for details)

**Category 2** - Seawalls, coastal flood and/or wave control structures (see page 12 for details)

**Category 3** - Inland flood control structures and levees, excluding dams and non-jurisdictional impoundments (see page 14 for details)

Each category has a distinct set of eligibility and selection criteria. Please be sure to review the criteria carefully.

**APPLICANT ELIGIBILITY:** The application is open to public and private entities including cities, towns, charitable organizations, public and privately held firms for projects related to existing structures. Those considering applying should check the eligibility for the specific category for which funds will be requested as eligibility varies according to the each category.

**FORM OF AWARDS:** For the selected projects, responding applicants may be offered funding through a package offering a combination grant and loan. It is generally anticipated that the grant portion of the award shall be for final design, permitting, and bid package preparation, while the loan portion of the award shall be for costs primarily related to construction and implementation. For private dam owners, awards will be offered solely as loans.

The interest rate for loans made shall be fixed at no more than 2% or one half the market rate as established by the Wall Street Journal prime rate in place at the time the loan application is made, whichever is greater.

Private dam owners, other than charitable organizations, will be offered funds only as 100% loan if selected. The loan will be executed upon completion and acceptance of the project by the EEA contract manager for allowable costs as defined in the award contract. The loan will be issued as a reimbursement of costs incurred over the project life, subject to the maximum amount stated in the contract. This is also true for charitable organizations who are owners of a dam for which a loan has been offered.

Municipal and charitable organizations may, if the project is already fully designed and permitted, request that their entire award be a construction loan. The full value of the eligible award remains the same.

In order to provide an incentive for projects that will maximize the use and/or restoration of natural systems, EEA reserves the right to modify the loan terms. Those projects which minimize or eliminate the use of hard infrastructure are eligible for a zero percent interest rate. Projects will be considered for zero percent interest if:

- implementation protects and/or improves public health
- implementation protects and/or improves public safety;
- design plans recognize the potential impact of climate change and improve resilience;
- implementation will improve or expand the functions of naturally occurring systems.

In addition to funds available from the Dam and Sea Wall Repair or Removal Fund established by M.G.L. c. 29, 2IHH, EEA may seek supplemental funding for projects critical to the protection of public health and safety as well as key public infrastructure. Awards from these supplemental funds may be awarded solely in grant form.

**CONTRACT DURATION:** The contract period will begin on the date of contract execution or a specified later date. All funds awarded from the Dam and Seawall Repair and Removal Fund must be committed by the Grantee within 24 months of contract execution or be forfeited. All contracts shall be subject to available funding, whether through the appropriation and authorization of sufficient funds or the receipt of sufficient revenues. If available funding ceases for any reason, contracted partners will be notified in writing and the contract shall be deemed under suspension and contract performance must halt. A contractor will not be entitled to compensation for any performance provided during the period of contract suspension. EEA may lift the suspension, in writing, if additional funding is received. In the absence of foreseeable available funding, EEA may terminate the contract.

**APPLICATION SUBMISSION PROCESS:** Submissions, including an application (see Appendix A) and other supporting documents must be submitted on or before 17 June 2013 at 3:00 PM. Each response application must clearly identify this bid document number (ENV 15 POL 01) on the outside of the package. A postmark will NOT be accepted for verification of date of submission. Proposals will NOT be accepted by electronic mail or fax machine. One original (clearly identified as an original), five copies, and one digital submission (on CD, DVD, or flashdrive) of each Proposal must be submitted to be considered (*EEA cannot guarantee that flashdrives submitted will be returned*). Printed proposals must be prepared using 12 point font and printed using double-sided format. Please avoid unnecessary documentation. With this application submit one set of design report with 11"x 17" design drawings. These plans may be submitted folded and inserted into a sleeve.

Digital submissions must be provided in Microsoft Office compatible format or Adobe Acrobat. An electronic copy of the design report and drawings in PDF must be included with the digital submission requested above. CD/DVD's must be protected by a case and contain a label indicating the project name, applicant name, and the community in which the structure is located.

**NOTE:** if selected for funding, additional forms will be required to execute a contract, including:

- Commonwealth Standard Contract Form, filled out and signed by the Respondent
- Commonwealth Scope and Budget Form
- Commonwealth Terms and Conditions filled out and signed by the Respondent
- Commonwealth W-9 tax information form filled out and signed by the Respondent with DUNS number and Federal Tax ID
- Completed Contractor Authorized Signature Verification Form
- Prompt Payment Discount Form
- Electronic Funds Transfer Form

Applicants are encouraged to review these forms prior to submission of their proposal. These forms are available through the Commonwealth's Operational Services Division website at <http://www.mass.gov/anf/budget-taxes-and-procurement/oversight-agencies/osd/osd-forms.html>.

Applicants may submit applications for one or more structures. In most cases, each structure's proposal must be submitted as a distinct and independent application. However, if there are multiple structures employed in the management of a single water body, one application to address issues with each may be filed. If structures are inter-connected, a single application may be filed to address issues with each. For coastal structures, a single application for adjoining structures providing benefit for a single location may be filed. In some cases, due to project size and award limits, applicants may also consider applying for funds in distinct phases.

If submitting more than one application, submit each as a discrete and separate package. Each application is to be signed by the authorized signature of the applicant, in other words, the person under whose signature the contract will be executed must sign the application.

**NOTE:** If the applicant is NOT the owner of the structure, a notarized letter from the owner in support of the project and authorizing the applicant to file on their behalf is required, as well as authorization for access to the property for an application site review as well as access during project implementation is required.

**RESPONSE FORMAT:** Respondents should make their best efforts to organize their Response in the following manner:

Part I	Proponent Qualifications, including key persons' resumes
Part II	Project Identification and Narrative
	<u>Section A</u> Review of Current Conditions
	<u>Section B</u> Environmental Concerns
	<u>Section C</u> Project Plan
Part III	Project Schedule and Cost Estimates
Part IV	Ongoing Operations and Maintenance Plans
Appendix A	Project Site Map
Appendix B	Planning Report(s) used as project basis
Appendix C	Conceptual and/or Final Design Plans (stamped by a registered engineer)

Note that the Supplier Diversity Market Plan is no longer required as part of this application process. The Commonwealth maintains a commitment to promote equity of opportunity in state contracting and, to that end, encourages full participation of minority and women owned businesses in all areas of state contracting, including contracts for construction, design, goods and services. For more information see <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/procurement-prog-and-serv/sdo/sdp/>.

Guidance for each Response section is offered below:

**Part I: Proponent Qualifications** - Provide the name of the applicant including telephone number, the e-mail address of its authorized representative, and engineering consultant contact. Identify if the applicant is the owner of the structure or if a partner in the application with the owner. (If not the owner, a notarized letter from the owner in support of the project and authorizing the applicant to file on their behalf is required, as well as authorization for access to the property for an application site review as well as access during project implementation.)

Identify key members of the project oversight and implementation team. Include their resumes and cite the relevant experience of these team members in performing or managing projects of this nature in the past, i.e. verify the capacity of the team to succeed in the implementation of the project in a timely fashion<sup>1</sup>.

Offer evidence that the applicant has the authority and financial stability to repay a loan if awarded under this RFQ. Evidence of that borrowing authorization has been secured should be provided by a record of the vote of the appropriate body.

Be aware that the Department of Conservation and Recreation has pre-qualified vendors who provide design, engineering, surveying & testing services. While use of these pre-qualified vendors is not a condition of project eligibility, potential applicants may find procurement of services by these firms less cumbersome and less expensive than other bid processes. For more information contact the Department of Conservation and Recreation Division of Engineering (*See* <http://www.mass.gov/eea/agencies/dcr/inside-our-agency/division-of-engineering-.html>).

**Part II: Project Identification and Narrative** - The purpose of the project narrative is to allow proponents to demonstrate their understanding of the nature of the problem to be addressed and how the proposed project will remedy the problem. The narrative should provide the reader a clear and concise understanding of the project, both in terms of clear objectives and how the project will provide public benefit upon completion, but also the potential threat(s) resulting by NOT implementing the project. The narrative should inform a reader not previously familiar with any details of the project so they gain a general understanding of the purpose and goals the applicant seeks to achieve. The narrative should be written in such a way that technical information is made clear to a general audience.

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<sup>1</sup> Note: All funds awarded from the Dam and Seawall Repair and Removal Fund must be committed by the Grantee within 24 months of contract execution or be forfeited. See regulations: 301CMR 15.07.

Section A: Review of Current Conditions -

- ☐ What public purpose does the structure serve? Is there currently public access to the structure and/or the water body? What other public benefit(s) does the structure ensure?
- ☐ What public safety and/or public health issues will be addressed; how severe are the situations and how well has the situation been documented? At a minimum, cite recent inspection and/or evaluation reports relied upon for determining the condition of the structure.
- ☐ Identify the general project area (include a site plan/project map of sufficient scale, with project and relevant resources overlain) and describe the scope of the project and key tasks being proposed.
- ☐ Indicate whether the project is related to any regulation, permit or enforcement action. In table format, list any regulations, permits, or enforcement actions that apply, including federal administrative orders, MA administrative orders, MA order of non-compliance, federal permits, MA permits, federal regulations, and MA regulations. List the type of action, subject matter, reference number, appropriate section/page related to this project and deadlines for compliance.

Section B: Environmental Concerns -

- ☐ Describe the environmental impact(s) resulting from the current structure(s).
- ☐ Provide documentation, in the form relevant section or pages of published reports of Municipal, Local, State or Federal entities engaged in environmental protection. In the interest of ensuring a concise application, inclusion of FULL reports is NOT necessary. In the case of documenting detrimental impacts, laboratory results are also acceptable. Please provide web links (if available) and specific page references within any planning document or laboratory report referenced in support of the application. Proponents should note on the project site map where the affected resources are located. Note that any item that does not include documentation within the application will not receive consideration.
- ☐ As part of the existing structure, are there elements to promote ecological health such as the protection of fish passage? Have appropriate agencies (Coastal Zone Management, Division of Marine Fisheries, for example) collaborated in the development of objectives and design plans? If so, please cite evidence of this collaboration.
- ☐ Does the project complement other efforts at ecological improvement/restoration? Is this project part of a larger effort and/or contribute to other efforts in the local watershed to improve the environmental condition?

### Section C: Project Plan –

- ☐ Briefly describe the objectives of the project and how implementation will address the issues cited above. Describe how the project proposed will improve or expand the functions of naturally occurring systems. In all cases the applicant must demonstrate that the real benefit of the project accrues to the general public, the taxpayers who provide the financing. Examples of this might include improvement to general safety; improvement in area ecological health; the reduction of public costs either immediately or in the aftermath of a catastrophic event such as failure of the structure. Note particular benefits to be derived including:
  - Increased public safety;
  - Increase in the protection of public infrastructure;
  - How potential threats due to climate change have been considered;
  - Potential improvements to water quality, including the potential restoration of MassDEP designated uses;
  - Reductions of potential adverse impacts to sensitive environmental resources. Describe how the project is expected to reduce or eliminate threats to native animals, and naturally occurring plant and resident or migratory fish species habitat or movement;
  - Reductions in life cycle costs which may be credited to project implementation, i.e., how will long term operation and maintenance costs be reduced?
- ☐ Identify what regulations and permits to which the project is subject. In table format, list any regulations, licenses or permits that apply (local, regional, state, and federal).
- ☐ Describe how Chapter 91 public access will be provided. If access will be improved, describe what improvements will be made.
- ☐ If a privately held structure, the applicant must demonstrate that any private benefit is incidental to the public good. In such cases the applicant must demonstrate that the real benefit of the project accrues more to the general public and the taxpayers who provide the financing than the property owner. Examples of this might include improvement to general safety; improvement in area ecological health; the reduction of public costs either immediately or in the aftermath of a catastrophic event such as failure of the structure. Failure to demonstrate this benefit to the general public may result in the determination that the project is ineligible.
- ☐ Cite any feasibility study(s) relied upon for the development of the project plan. You need not include complete copies of such plans, only relevant pages or segments.

**Part III: Project Schedule and Cost Estimates** - Outline the proposed timeline for project implementation and qualified cost estimates as provided by a registered engineer. In addition to a total project cost, distinguish between those costs attributable to final design, permitting, and bid package preparation and those attributable to actual construction costs.



Include an anticipated timeline for the completion of each phase of the project, and the anticipated financial draw needed to complete each phase. Proposals are required to include a projected schedule detailing anticipated completion dates for each task. For planning purposes, identify if any work is anticipated to extend beyond 30 June 2015.

If local funding in the full amount necessary to undertake the project has already been authorized, attach a copy of the appropriate documentation. Include documentation that the organization's governing authority (Town Meeting, City Council, Board of Directors, or letter of credit from a Massachusetts chartered bank) has authorized commitment to a loan of sufficient nature to meet the budget needs of the proposed project. Otherwise, indicate the schedule for obtaining the requisite appropriation.

Every application must include a schedule of periodic reports (quarterly updates, final project reports, etc.) as a separate task. *Note that EEA will require a minimum of 6 copies of a final report and one all inclusive digital copy, including before and after photographs, upon completion of the project. This will consist of one original, five copies, and one digital version (on CD, DVD, or flashdrive). Periodic and final reports must be prepared using 12 point font and printed using double-sided format. As-built engineering plans may be submitted folded and inserted into a sleeve. Digital submissions must be provided in Microsoft Office compatible format or Adobe Acrobat.*

Provide a detailed breakdown of the estimated technical (construction services) and construction costs. If available, provide a completed engineers estimate for each construction contract. Contingency costs should be calculated at 10% of total estimated construction cost.

Budget proposals will be scrutinized and considered as part of the evaluation process. If an award is offered, elements of the budget may be negotiated or an award to satisfy a portion of the budget. Prevailing wage provisions shall apply to all publicly owned structures, including organizational, administrative and other work and services, including salaries. For privately held structures, a minimum of three competitive bids shall be required when applying for financing of repair or removal of structures. If an award is offered, allowable project costs will include all costs deemed by EEA to be necessary and reasonable for a project, including:

- ☐ Execution of any agreements and sub-agreements deemed by the Secretary or designee to be critical to the project;
- ☐ Procurement, provision, and use of engineering, inspection, legal, financial, planning, geological, hydrological and other professional services, estimates and advice; permitting, and construction;
- ☐ Organizational, administrative and other work and services, including salaries, equipment and materials necessary; and,
- ☐ Training to ensure the proper operation and maintenance of the structures receiving financial assistance from the Fund, including training associated with inspections and emergency preparedness.

The following costs will NOT be considered allowable project costs and should not be included in the request for funding, but may be cited by an applicant as evidence of local commitment to the project:

- ☐ Costs incurred in preparing necessary documentation to apply for a loan or grant from the Fund;
- ☐ Any costs incurred prior to the execution of a Grant or Loan with EEA;
- ☐ Ongoing operations and maintenance;
- ☐ Any costs funded by any other Federal or other State grant or loan to the applicant;
- ☐ Costs incurred by police details; and
- ☐ Costs to acquire an interest in real property.

**Part IV: Ongoing Operations and Maintenance Plans** – For consideration of any award, recipients must sign an agreement certifying their commitment to the ongoing care and maintenance of any structure repaired/reconstructed (not removed) using funds awarded. Recipients will be required to submit an operations and maintenance plan for the proposed structure for review and acceptance by EEA prior to the final release of funds. Requested revisions to that plan may be required by the EEA project manager (in collaboration with supporting agencies) before the final payment is made.

**PROJECT ELIGIBILITY AND EVALUATION CRITERIA:** Respondents are to review each category and submit a project application for the most appropriate category. The evaluation criteria for each category differs so please review this section carefully prior to compiling your response application. Only projects related to existing structures will be considered eligible.

Priority shall be given to projects for structures that are owned or operated by cities, towns and charitable organizations. Priority shall be also given to those structures identified in writing by the United States Army Corps of Engineers as requiring imminent infrastructure improvement. For all projects, preference will be given to projects that incorporate any or all of the following factors (in no particular order of preference):

- Project results in improvement to public health;
- Project results in improvement to public safety;
- Project results in protection of other public infrastructure;
- If a privately held structure, the applicant demonstrates that any private benefit is incidental to the public good.
- Design plan recognizes the potential impact of climate change and improves resilience;
- Applicant/applicant partner has obtained all applicable permits required to implement the project;
- Project implementation will improve or expand the functions of naturally occurring systems;
- Project fits into a larger comprehensive plan to improve the environmental condition; project complements other work ongoing in the local watershed.
- Project budget is viable for the objectives proposed;

- Applicant's (and partner's, if any) commitment to project implementation through direct contribution of funds and/or in-kind support;
- Applicant is credit worthy and not prone to default;
- Applicant/applicant partner have secured borrowing authorization;
- Applicant has proven capacity to implement the project;
- Structure is in a community with an environmental justice population.

Responding applicants must submit sufficient documentation to assure a full and complete review of the project. In addition to a full budget, responding applicants are to provide evidence of each evaluation item for which they seek consideration as well as a full budget proposal and current design plans including any available engineering plans. While having borrowing authorization is a preference item for the review of a proposal, note that a final award will not be made until full borrowing authorization by the appropriate governing authority is in place. Please see **RESPONSE FORMAT** (page 5, above) for greater detail.

The review team may request a site visit. Applicants will need to accompany one or more members of the procurement team on such a visit if requested. A review of the entity's financial condition (most recent audit, credit ratings, as examples) may also be conducted.

#### **Application Category 1 - Dams and similar unregulated impoundments:**

Under this bid document, a dam is defined as any artificial barrier, including appurtenant works, that impounds or diverts water, and includes, but is not limited to, dams subject to the regulatory jurisdiction of DCR under 302 CMR 10.00 and other dams and similar impoundments or structures.

These barriers divert and otherwise alter the flow of rivers and streams, and also create a threat to freshwater animal, and plant and resident or migratory fish species habitat or movement. In some cases these structures help protect human life and property. In some cases, their useful purpose has passed.

These funds are provided, in part, to address the need to repair such structures where failure will likely cause loss of life and/or serious damage. Category 1 applicants should focus on the project's ability to improve the protection of essential public infrastructure, commercial and population centers, protection of tax revenue generating structures and infrastructure necessary for the supply and delivery of public utilities and emergency response activities. EEA, in recognition of its mission to enhance, preserve and protect the natural resources and scenic, historic and aesthetic qualities of the Commonwealth, also seeks projects that improve the ecology. Applicants under Category 1 may seek financial support for the repair<sup>2</sup>, full or partial removal<sup>3</sup>, as well as the reconstruction of dams and other unregulated

<sup>2</sup> Repair means the reconstruction, rehabilitation, or replacement, whether partial or wholly, of a structure.

<sup>3</sup> Remove or Removal means the controlled dismantlement or breaching of a structure, in compliance with applicable law, to the extent that water is not impounded or diverted or no longer impeded; provided, however, that, following a controlled dismantlement or breaching, a minimal degree of impoundment necessary for agricultural uses or wetland retention and open water conditions may be allowed, so long as any impediment to fish passage has been removed and any threats to public safety or property have been alleviated

impoundments. For this category, eligible applicants include and are limited to local government bodies<sup>4</sup>, charitable organizations<sup>5</sup>, and private dam owners. If a privately held structure, the owner must demonstrate in the application that any private benefit is incidental to the public good.

Category 1 is the only category where privately held structures will be considered. If a privately held structure, the applicant must demonstrate that any private benefit is incidental to the public good. The applicant must demonstrate that the real benefit of the project accrues more to the general public and the taxpayers who provide the financing than the property owner. Examples of this might include improvement to general safety; improvement in area ecological health; the reduction of public costs either immediately or in the aftermath of a catastrophic event such as failure of the structure. Failure to demonstrate this benefit to the general public may result in the determination that the project is ineligible.

Priority will be given to structures that are classified by the Department of Conservation and Recreation as high hazard or significant hazard dams. Priority will also be given for structures:

- that have been determined to be in poor or unsafe condition;
- that are a part of a water supply system;
- for which project implementation will reduce or eliminate a threat to native animal, and naturally occurring plant and resident or migratory fish species habitat or movement;

Responding applicants must submit sufficient documentation to assure a full and complete review of the project. In addition to a full budget, responding applicants are to provide evidence of each item above for which they seek consideration as well as a full budget proposal and current design plans including engineering plans. Please see **RESPONSE FORMAT** (page 5, above) for greater detail.

Applicants should consult the Office of Dam Safety for guidance (<http://www.mass.gov/eea/agencies/dcr/conservation/dam-safety/>). Those considering partial or full removal may also contact the Division of Ecological Restoration (<http://www.mass.gov/eea/agencies/dfg/der/>). Applicants should also review The Wetlands Protection Act (WPA), M.G.L. c. 131, s. 40, and the associated wetland regulations (310 CMR 10.00) (See also <http://www.mass.gov/eea/docs/dep/water/resources/a-thru-m/dmpol.pdf>).

## **Application Category 2 - Seawalls, coastal flood and/or wave control structures:**

There are a variety of structures used to help protect property and infrastructure from damage during storm events. These include seawalls<sup>6</sup>, revetments<sup>7</sup>, groins<sup>8</sup>, engineered beaches<sup>9</sup>, and jetties<sup>10</sup>. While

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<sup>4</sup> Local government body is defined as a town, city, district, commission, board and any regional local governmental unit

<sup>5</sup> Charitable organizations are defined as an organization that is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code and that is registered with the Massachusetts Office of the Attorney General as a public charity.

<sup>6</sup> Seawall means a structure, often concrete or stone, built along a portion of a coast to prevent erosion and damage by wave action

<sup>7</sup> Revetment means a facing of stone, concrete, etc., to protect an embankment, or shore structure, against erosion by wave action

each of these, commonly referred to as “hard infrastructure”, have been constructed over time, research indicate naturally occurring systems (also sometimes referred to as “soft infrastructure” or “green infrastructure”) can address the hazards of coastal storm events while better protecting ecosystems.

These funds are provided, in part, to address the need to repair such structures where failure will likely cause loss of life and serious damage. Category 2 applicants should focus on the project’s ability to improve both emergency response activities anticipated as well as long term protection of commercial and population centers, improve the protection of tax revenue generating structures, and/or enhance the protection of public owned infrastructure during significant coastal storm events. Examples of such infrastructure include but are not limited to water treatment facilities, wastewater treatment facilities, water or wastewater delivery/transport systems, key transportation routes, critical energy supply infrastructure, educational facilities, emergency preparedness and first-responder equipment and facilities, and publicly owned health facilities.

Each proposal will also be evaluated on its recognition of the potential impact(s) of climate change and how successful implementation will improves resilience.

EEA, in recognition of its mission to enhance, preserve and protect the natural resources and scenic, historic and aesthetic qualities of the Commonwealth, is particularly interested in funding project(s) that address coastal flood control issues while also improving natural resource and ecological values by employing/expanding the utilization of naturally occurring systems to address the hazards of climate change impacts and coastal storm events. Examples of such projects may include dune restoration, beach/berm nourishment, or salt marsh restoration, and shoreline or bank stabilization. Applicants for projects like emphasizing the improvement of naturally occurring systems to address the hazards of climate change and storm events should include a task for the project to be displayed for others as a demonstration example to promote increased use of such strategies in the future.

For this category, EEA will provide financial support to local government bodies and charitable organizations. No funding will be provided for state agency owned or privately owned structures.

Priority shall be given to those coastal flood or wave control structures rated in fair, poor or critical condition (C-F), and that have a moderate to high protection level (III-V) in accordance with *The Massachusetts Coastal Infrastructure Inventory and Assessment Project* (see

[http://www.mass.gov/czm/stormsmart/resources/infrastructure/chc\\_inventory-summary\\_report\\_2009.pdf](http://www.mass.gov/czm/stormsmart/resources/infrastructure/chc_inventory-summary_report_2009.pdf)); or annual

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or currents

<sup>8</sup> Groin means a shore protection structure built (usually perpendicular to the shoreline) to trap littoral drift or impede erosion of the shore

<sup>9</sup> Engineered Beach means a beach and/or dune system that was built with sand from other areas. The beach profile was designed to protect low lying areas from storms and erosion. Once built, the beach should be maintained in accordance with the maintenance and monitoring plan.

<sup>10</sup> Jetties means a structure extending into a body of water, which is designed to prevent shoaling of a channel by littoral materials and to direct and confine the stream or tidal flow. Jetties are built at the mouths of rivers, tidal inlets, and harbors to help deepen and stabilize a channel.

maintenance and monitoring reports have indicated a worsening condition or a licensed structural engineer has declared such.

Responding applicants must submit sufficient documentation to assure a full and complete review of the project. In addition to a full budget, responding applicants are to provide evidence of each item above for which they seek consideration as well as a full budget proposal and current design plans including engineering plans. Please see **RESPONSE FORMAT** (page 5, above) for greater detail.

Those considering waterfront strategies should be familiar with Chapter 91 (<http://www.mass.gov/eea/agencies/massdep/water/watersheds/chapter-91-the-massachusetts-public-water-fund-act.html>). Applicants should also review The Wetlands Protection Act (WPA), M.G.L. c. 131, s. 40, and the associated wetland regulations (310 CMR 10.00) (See also <http://www.mass.gov/eea/docs/dep/water/resources/a-thru-m/dmpol.pdf>). Technical assistance regarding coastal issues is also available from the Massachusetts Office of Coastal Zone Management (<http://www.mass.gov/eea/agencies/czm/>) as well as the Department of Conservation and Recreation Office of Waterways (<http://www.mass.gov/eea/agencies/dcr/services-and-assistance/waterways-program/>).

### **Application Category 3 - Inland flood control structures and levees<sup>11</sup>, excluding dams and similar unregulated impoundments:**

Levees and other similar structures offer flood control for inland waters, commonly used to help protect economic centers, essential public utilities and key infrastructure from the hazards of storm events. While commonly referred to as “hard infrastructure”, recent research indicates natural systems (also sometimes referred to as “soft infrastructure” or “green infrastructure”) may address the hazards of storm events while better protecting ecosystems.

These funds are provided, in part, to address the need to repair permitted and licensed inland flood control structures where failure will likely cause loss of life and/or serious damage. Category 3 applicants should focus on the project’s ability to improve the protection of essential public infrastructure, commercial and population centers, protection of tax revenue generating structures and infrastructure necessary for the supply and delivery of public utilities. EEA, in recognition of its mission to enhance, preserve and protect the natural resources and scenic, historic and aesthetic qualities of the Commonwealth, will also consider projects which improve the ecology through expanding the utilization of naturally occurring systems to address the hazards of storm events. For this category, EEA will provide financial support to local government bodies and charitable organizations. No funding will be provided for privately owned structures.

As dams and similar unregulated impoundments are addressed in Category 1, those structures will not be funded under this Category.

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<sup>11</sup> Levees means a dike or embankment generally of earthen materials designed to prevent riverine flooding after periods of exceptional rainfall

Priority will be given to levees and other similar structures that offer flood control for inland waters that have been determined to be in critical or poor condition. Category 3 applicants should be familiar with Chapter 91 and how it relates to inland waterways

(<http://www.mass.gov/eea/agencies/massdep/water/watersheds/chapter-91-the-massachusetts-public-waterRFQont-act.html>). Applicants should also review The Wetlands Protection Act (WPA), M.G.L. c. 131, s. 40, and the associated wetland regulations (310 CMR 10.00) (See also <http://www.mass.gov/eea/docs/dep/water/resources/a-thru-m/dmpol.pdf>). Valuable information may also be offered by the United States Army Corps of Engineers (<http://www.usace.army.mil/Missions/CivilWorks/LeveeSafetyProgram.aspx>).

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
DAM AND SEAWALL LOAN FUND  
**APPENDIX A: APPLICATION**  
**APPLICATION ATTACHMENT A: ADMINISTRATIVE SUMMARY**

**PROJECT TITLE:** \_\_\_\_\_ **STRUCTURE #** \_\_\_\_\_  
**LOCATION COORDINATES:** Latitude \_\_\_\_\_ Longitude \_\_\_\_\_

**RESPONDING ORGANIZATION**

Contact Name - \_\_\_\_\_  
Address - \_\_\_\_\_  
Telephone - \_\_\_\_\_  
Facsimile - \_\_\_\_\_  
Internet Address- \_\_\_\_\_

**PROJECT CATEGORY (CHOOSE ONE):**

- ☐ **Category 1** - Dams and similar unregulated impoundments  
☐ **Category 2** - Seawalls, coastal flood and/or wave control structures  
☐ **Category 3** - Inland flood control structures and levees, excluding dams and similar unregulated impoundments

**FUNDS SOUGHT FROM PROGRAM**

State Funds via EEA \$ \_\_\_\_\_

Anticipated Matching Funds (*cash and in-kind*) \$

Sources (Federal? State? Local?): \_\_\_\_\_

**AUTHORIZED APPLICATION SIGNATURE**

Signature _____	Date _____
Print Name and Title _____	Date _____

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Print Name and Title _____	Date _____
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**NOTE:** If not the applicant is NOT the owner of the structure, a notarized letter from the owner in support of the project and authorizing the applicant to file on their behalf is required, as well as authorization for access to the property for an application site review as well as access during project implementation is required.



## APPLICATION ATTACHMENT B: RESPONSE PROPOSAL

Respondents should make their best efforts to organize their Response in the following manner:

- Part I Proponent Qualifications, including key persons' resumes
- Part II Project Identification and Narrative
  - Section A Review of Current Conditions
  - Section B Environmental Concerns
  - Section C Project Plan
- Part III Project Schedule and Cost Estimation
- Part IV Ongoing Operations and Maintenance Plans
- Appendix A Project Site Map
- Appendix B Planning Report(s) used as project basis
- Appendix C Conceptual and/or Final Design Plans (stamped by a registered engineer)

Every application must include a schedule of periodic reports (quarterly updates, final project reports, etc.) as a separate task. ***Note: EEA will require a minimum of 6 copies of a final report and one all inclusive digital copy, including before and after photographs, upon completion of the project. This will consist of one original, five copies, and one digital version (on CD, DVD, or flashdrive). Periodic and final reports must be prepared using 12 point font and printed using double-sided format. As-built engineering plans may be submitted folded and inserted into a sleeve. Digital submissions must be provided in Microsoft Office compatible format or Adobe Acrobat.***

**OTHER SOURCES OF COMMITTED FUNDS** - Be sure to include all other sources of other funds and the amount of cash and/or in kind services contributed or anticipated by each source. Letters of Intent from third party contributors for funds anticipated later during the design and implementation period must be submitted as part of the response application package.